

DRAFT

Omnibus Code Revision Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF STANLEY, IDAHO AMENDING TITLE 1: GENERAL PROVISIONS, CHAPTER 1.01 ADDING PROVISIONS FOR CODE ADOPTION, TITLE CITATION, CODIFICATION AUTHORITY, CODE REFERENCE, TITLE, CHAPTER AND SECTION HEADINGS, REFERENCE TO SPECIFIC ORDINANCES; REPEALING TITLE 2, CHAPTER 2.28 COMMUNITY BUILDING COMMITTEE; AMENDING TITLE 5, BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.24 ADDING A PROVISION FOR VARIANCES; AMENDING TITLE 6, CHAPTER 6.04, SECTION 010, SMALL ANIMALS, TO CHANGE THE DEFINITION OF A SMALL ANIMAL; AMENDING TITLE 6, CHAPTER 6.08, SECTION 030, LARGE ANIMALS, TO CHANGE THE MAINTENANCE REQUIREMENT FOR LARGE ANIMALS; REPEALING TITLE 12, CHAPTER 12.12 CITY DUMP; AMENDING TITLE 14, RESERVED, TO CHANGE THE TITLE TO "STANDING BOARDS AND COMMISSIONS" AND INSERT HISTORIC PRESERVATION CODE PROVISIONS CURRENTLY FOUND IN 15.04.010 THROUGH 15.04.060; AMENDING TITLE 15, CHAPTER 15.04, HISTORIC PRESERVATION CODE, TO MOVE SECTIONS 010 THROUGH 060 TO TITLE 14, AND TO CHANGE THE TITLE OF CHAPTER 15.04 TO "BUILDING PERMITS" AND INSERT THE PROVISIONS FOR BUILDING PERMITS CURRENTLY FOUND IN TITLE 17, CHAPTER 17.56, SECTIONS 010 THROUGH 050 UNDER THIS TITLE; AMENDING TITLE 15, SECTION 15.56.010 TO INCLUDE ALL EXCAVATION AND FILL, AND TO STATE THAT THE CITY DOES NOT GUARANTEE THE SUITABILITY OF FILL; AMENDING TITLE 15, SECTION 15.56.020 TO CLARIFY THE SUITABILITY OF DRAWINGS AND SITE PLANS TO BE SUBMITTED WITH A BUILDING PERMIT APPLICATION; AMENDING TITLE 16, SUBDIVISION REGULATIONS, CHAPTER 16.08, SECTION 290 TO CHANGE THE DEFINITION OF A SUBDIVISION; AMENDING TITLE 17, ZONING REGULATIONS, CHAPTER 17.08, DEFINITIONS, CHAPTER 17.26, COMMERCIAL A DISTRICT, AND CHAPTER 17.27, LIMITED COMMERCIAL DISTRICT TO ADD A DEFINITION OF "ONE-FAMILY DWELLING", APARTMENT, AND "CONDOMINIUM", AND ELIMINATE THE TERMS "RESIDENCES" AND "SINGLE FAMILY RESIDENCES"; AMENDING TITLE 17, ZONING REGULATIONS, CHAPTER 12, DISTRICTS ESTABLISHED; ZONING MAP, TO CLARIFY THE VALIDATION AND INTERPRETATION OF THE ZONING MAP; AMENDING TITLE 17, ZONING REGULATIONS, CHAPTER 17.16, RESIDENTIAL A DISTRICT, AND CHAPTER 17.20, RESIDENTIAL B DISTRICT, ADDING PROVISIONS FOR LONG-TERM LEASE AGREEMENTS; AMENDING TITLE 17, ZONING REGULATIONS, CHAPTER 17.44, RESIDENTIAL C DISTRICT, SUBSTITUTING THE WORD "DWELLING" FOR THE WORD "ONE-FAMILY DWELLING"; AMENDING TITLE 17, ZONING REGULATIONS, CHAPTER 17.24, COMMERCIAL DISTRICT, TO PERMIT MULTI-FAMILY DWELLINGS, AND TO ADD "MUNICIPAL LIBRARY", "MUNICIPAL GOVERNMENT", "EMERGENCY SERVICES", "DAY CARE CENTERS", AND "MULTI-FAMILY DWELLINGS" AS PERMITTED USES; AMENDING TITLE 17, ZONING REGULATIONS, CHAPTER 17.26, COMMERCIAL A DISTRICT, TO ADD "MULTI-FAMILY DWELLINGS" AS A PERMITTED USE; AMENDING TITLE 17 ZONING REGULATIONS, SECTION 17.28.10 TO ALLOW MUNICIPAL LIBRARY AND MUNICIPAL HOUSING AS PERMITTED USES; AMENDING TITLE 17, ZONING REGULATIONS, CHAPTER 17.40, GENERAL USE REGULATIONS, BUILDING MATERIALS, TO REVISE THE DEFINITION OF "RUSTIC"; AND ESTABLISHING THE EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STANLEY, IDAHO AS FOLLOWS:

SECTION 1.0: The Stanley Municipal Code is amended as follows:

TITLE 1, CHAPTER 1.01 of the Stanley Municipal Code is amended as follows:

Insert 1.01.010 ADOPTION: Pursuant to the provisions of Idaho Code Sections 50-901 through 50-906 inclusive, there is adopted the "Stanley Municipal Code".

Insert 1.01.020 TITLE-CITATION-REFERENCE: This code shall be known as the "Stanley Municipal Code" and it shall be sufficient to refer to such code as the "Stanley Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to refer to any ordinance adding to, amending, correcting, or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Stanley Municipal Code". Further reference may be made to these titles, chapters, sections, and subsections of the "Stanley Municipal Code" and such reference shall apply to that numbered title, chapter, section and subsection as it appears in the code.

Insert 1.01.030 CODIFICATION AUTHORITY: This code consists of all of the regulatory, administrative and penal ordinances , pursuant to the provisions of Idaho Code Sections 50-901 through 50-906, inclusive.

Insert 1.01.040 CODE REFERENCE: Whenever reference is made to this code as the "Stanley Municipal Code", or any portion thereof, or to any ordinances of the City of Stanley Idaho, the reference shall apply to all amendments, corrections, additions, heretofore, now and hereafter made.

Insert 1.01.050 TITLE, CHAPTER, AND SECTION HEADINGS: Title, chapter, and sections headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, or section hereof.

Insert 1.01.060 REFERENCE TO SPECIFIC ORDINANCES: The provisions of this code shall not in any manner affect matters of record that refer to or are otherwise connected with , ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

TITLE 2, CHAPTER 2.28 is repealed.

TITLE 5, CHAPTER 5.24 is amended adding Section 100 with the following provision: "GRANTING AUTHORITY: The City Council shall have the authority to vary the application and terms of this title, including allowing a business to operate without a license when such business is of a temporary nature such as vendors associated with a event, provided that such action does not substantially impair the intent and purposes of this title.

TITLE 6, CHAPTER 6.04, is amended as follows:

Section 010 is amended to delete the word "goat" from the definition of a small animal.

TITLE 6, CHAPTER 6.08 is amended as follows:

Section 030 (A) (2) is amended by adding the sentences: "All animals shall have continuous access to the entire area maintained for each and every one. "

TITLE 12, CHAPTER 12.12 is repealed.

TITLE 14 is amended to add the title "Historic Preservation ", and to move the provisions currently found in TITLE 15, CHAPTER 15.04, Sections 010 through 060 under this title.

TITLE 15, CHAPTER 15.04 is amended to insert the title "Building Permits", and insert the provisions for building permits currently found in TITLE 17, CHAPTER 17.56, Sections 010 through 050 under this title. Section 010 is amended to replace the first sentence with the following sentence: *"No building shall be constructed, erected, or altered structurally, nor shall any lot be excavated for sidewalks, sewer, water, septic tanks, roads or any other purpose, nor shall fill be placed on any lot, nor shall any lot be cleared, or fenced unless a building permit therefore has been issued by the city council or its authorized representative. The issuance of a building permit by the city does not imply or guarantee the suitability or structural adequacy of building pads, retaining walls, fill, or natural terrain for meeting structural support requirements for buildings. Permittee shall follow good engineering practices relating to fill compaction for structural support and for preventing collapse and/or erosion of fill not used for structural support.*

Section 020 is amended to insert the following sentence to the end of Section 020: *"Development and construction drawings and technical support material shall be to scale or otherwise in sufficient detail to allow a technical or engineering review to determine whether the proposed development complies with all zoning requirements including but not limited to setbacks, building height restrictions, construction materials, building size restrictions, and all zoning requirements for hillsides, flood hazard, wetlands and areas of critical concern. Delete the word "scale" from first sentence under 15.56.020. Section 020 is further amended to add the following provision under Subsection "A": "Multi-family dwellings shall require a plan for permanently maintained off street parking. This plan shall provide for a minimum of one parking space for each living unit, and will use a formula that will allow for seventy percent (70%) of the parking lot to be used for parking and circulation, and the remaining thirty percent (30%) of the parking lot space to be used for snow storage."* Section 020 is further amended to add the following provision under Subsection "B": *"Multi-family dwelling shall require a site plan showing all existing and proposed buildings and outbuildings, as well as the proposed number of parking spaces to be constructed, showing snow storage areas, and showing entrances and exits to public streets."*

TITLE 16, CHAPTER 16.08, Section 290 is amended to delete the current definition of "SUBDIVISION" and add the following definition: *"Subdivision means division of a parcel of land into two (2) or more tracts, lots or parcels for transfer of ownership, building development, leasing or encumbering with mortgage or deed of trust; which also includes the dedication of a public street and the addition to, or creation of a cemetery. However, this title shall not apply to any of the following: A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback*

lines of each lot below the minimum zoning requirements of the district in which the lots or parcels are located, and which does not create additional lots in any block of the recorded plat. "

TITLE 17, CHAPTER 17.08 is amended to insert the following definition of "ONE FAMILY DWELLING": *"One-family dwelling" means a dwelling constructed without physically independent living units within a single structure. A physically independent living unit has independent kitchen and bath facilities and independent exterior access*"; to insert the following definition of "Apartment": *"A multiple-family dwelling containing two (2) or more dwelling units in which all units, exclusive of a unit which may be occupied by the owner or caretaker, are rented or leased for thirty (30) days or more"*; and to insert the following definition of "Condominium": *"An estate consisting of an undivided interest in common in real estate, in an interest or interests in real property, or in any combination thereof; together with a separate interest in real property, in an interest or interests in real property, or in any combination thereof"*.

TITLE 17, CHAPTER 17.12, Section 020 is amended to add the following sentences at the end of ZONING MAP paragraph: *"The current map and each subsequent update shall be signed and dated by the city council. Unless otherwise designated on the zoning district map, district boundary lines are lot lines; the centerlines of streets, alleys, railroad rights of way, or such lines as extended section lines; municipal corporate lines; centerlines of streambeds; or other lines drawn to scale on the zoning district map."*

TITLE 17, CHAPTER 17.16, is amended to insert Section 050 titled "Long-Term Lease Agreements". Under this Section, insert the following provision: *"Dwellings may be rented for more than 30 days at one time with a lease or rental agreement, and without a conditional use permit"*.

TITLE 17, CHAPTER 17.20, is amended to insert Section 050 titled "Long-Term Lease Agreements". Under this Section, insert the following provision: *"Dwellings may be rented for more than 30 days at one time with a lease or rental agreement, and without a conditional use permit"*.

TITLE 17, CHAPTER 17.24, Section 010 is amended to add the terms: "Multi-family dwellings", "Municipal library", "Municipal government", "Emergency services", and "Day care centers".

TITLE 17, CHAPTER 17.28, Section 010 is amended to add the term: "Municipal library".

TITLE 17, CHAPTER 17.26, Section 010 (A) is amended to substitute the terms "one family dwellings, and "multi-family dwellings" for the term "residences".

TITLE 17, CHAPTER 17.27, Section 010 (A) is amended to substitute the term "one-family dwellings" for the term "single family residences".

TITLE 17, CHAPTER 17.40, Section 020 is amended to change the text following the second sentence to read *"Exterior wall surfaces, including siding, of all permitted building projects shall be of logs, shakes, rough lumber, rough wood, board and batten, shingles, wood lap siding, native stone, or concrete fabrication that truly resembles wood. Materials not approved include metal, stucco, plaster, brick, and vinyl. Rustic roofing materials include shakes or wooden shingles, earth tone composite shingle, concrete fabrication that truly resembles wood, and non-reflective metal in colors as set forth herein. Provided,*

however, that accessory buildings, whether permanent or non-permanent structures, used as greenhouses, can have clear or translucent rigid or non-rigid exterior wall and roof surfaces not meeting the criteria listed above, or if wall or roof surfaces are colored then they shall conform to the approved color chart.

TITLE 17, CHAPTER 17.44, Section 010 is amended to delete the word "Dwellings" and insert the term "One-family dwelling".

SECTION 2.0: REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3.0: SEVERABILITY

If any section, subsection or clause or phrase of this ordinance is for any reason held invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

This ordinance shall be in full effect following its passage and publication, all as provided by law.

PASSED THIS _____ DAY OF _____, 2010 BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STANLEY, IDAHO

Herb Mumford, Mayor
